



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Local Application of: Santosh Misra

Art Unit: 1637

Application No. 09/641,540

Filed: August 18, 2000

For: PLANT-GENE PROMOTER AND METHODS
OF USING THE SAME

Examiner: Teresa E. Strzelecka

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

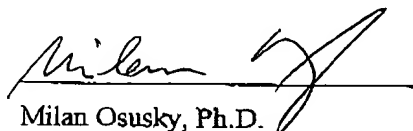
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DECLARATION UNDER § 1.132 OF MILAN OSUSKY

1. I, Milan Osusky, Ph.D., am a post-doctoral fellow in Santosh Misra's laboratory. Dr. Misra is the inventor named in the above-referenced patent application.

2. Submitted herewith are two figures showing GUS expression in tobacco plants as 1-week old (FIG. 1) and 2-week old (FIG. 2) seedlings. These experiments were conducted by me, and two other post-doctoral fellows in the laboratory, Drs. Luba Osuska and Dmytro Yevtushenko. Tobacco Xanthi was transformed with (A) no plasmid (negative control); (B) pBI121 (35S:GUS fusion, positive control); (C) pMTP0.9; (D) pMTP0.7; (E) pMTP0.5; or (F) pMTP0.2. One or two week old tobacco seedlings were stained with X-Gluc to histochemically localize GUS activity. As shown in FIGS. 1 and 2 the GUS gene is expressed when under the control of 35S promoter (B, positive control), and also when plasmids pMTP0.9 (which includes full length of SEQ ID NO: 17), pMTP0.7 (which includes nucleotides 180-853 of SEQ ID NO: 17) or pMTP0.5 (which includes nucleotides 398-853 of SEQ ID NO: 17) were used for tobacco transformation.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Milan Osusky, Ph.D.

February 6, 2003
Date